

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANIEL J. WIK,

Plaintiff,

v.

DONALD R. KUNEGO, in his personal and
individual capacity,

Defendants.



**ADR REFERRAL ORDER
AND MEDIATOR DESIGNATION**

11-CV-6205CJS

After due consideration, the Court finds that this case is appropriate for referral to alternative dispute resolution as provided in Section 2.1.B of the Plan for Alternative Dispute Resolution in the United States District Court for the Western District of New York (the ADR Plan). A copy of the ADR Plan and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

IT HEREBY IS ORDERED, that this case is referred to mediation.

FURTHER, that **Joseph B. Rizzo, Esq.**, will serve as Mediator for this case.

FURTHER, that the Mediator shall be compensated in accordance with Section 5.3 of the ADR Plan.

FURTHER, that the contact information to be used for the Mediator is:
joer@gallolaw.com, (585) 454-7145.

FURTHER, that the mediation session shall be held no later than **October 31, 2012** .

FURTHER, that the date, time and specific location for the initial mediation session shall be fixed by way of communications with the Mediator.

FURTHER, that not less than seven calendar days before the mediation session, each party shall provide the Mediator with a memorandum in accordance with Section 5.6 of the ADR Plan, said memorandum not to be exchanged with opposing counsel.

FURTHER, that the Mediator shall encourage and assist the parties in reaching a resolution to their dispute, but may not compel or coerce the parties to settle.

FURTHER, that pursuant to Section 5.10 of the ADR Plan, information disclosed during the mediation session shall remain confidential, and shall not be made known to any other party or this Court, without consent of the disclosing party. The Mediator shall not be called as a witness, nor may the Mediator's records be subpoenaed or used as evidence.

FURTHER, that within ten days of the close of the mediation session, the Mediator shall file a form "Mediation Certification" provided by the Court reciting whether the case has settled and, if not, whether mediation will continue.

FURTHER, that this referral shall terminate on **November 30, 2012**.

SO ORDERED.

ENTER.

Dated: August 13, 2012
Rochester, New York

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA
United States District Judge